

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDULLAH F. BILAL,

Plaintiff,

v.

JOSEPH LEHMAN et al.,

Defendant.

Case No. 04-2507-JLR-JPD

ORDER DENYING DEFENDANT'S
MOTION FOR LEAVE TO SUPPORT
SUMMARY JUDGMENT MOTION
WITH AFFIDAVITS

On April 4, 2006, the Court conducted a scheduling conference with the parties at which it directed that discovery be held in abeyance until defendants had an opportunity to answer and file motions to dismiss. Those motions were due no later than May 19, 2006. Dkt. No. 53. The Special Commitment Center ("SCC") defendants filed an answer, together with the present motion for leave to support a summary judgment motion with affidavits. Dkt. No. 55. Having carefully reviewed the motion, plaintiff's opposition, and the record, the Court ORDERS as follows:

(1) Defendants' motion to support a summary judgment motion with affidavits, (Dkt. No. 55), is DENIED. Granting defendant's motion would be inconsistent with the Court's April 4, 2006, scheduling order. In that order, the Court directed that discovery be

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01 held in abeyance, despite plaintiff's request for a brief discovery period, because defendants
02 stated that they would file a motion to dismiss.¹ Hence, the purpose of the order was to avoid
03 duplicative motions to dismiss and facilitate the efficient resolution of this case. The SCC
04 defendants' present motion to file a summary judgment motion ignores the Court's order and
05 thwarts its purpose. It is therefore denied.
06

07 (2) Further, the Court orders that the current pretrial schedule be STRICKEN and
08 that a limited discovery period be GRANTED. All discovery in this matter shall be
09 concluded no later than August 1, 2006. Following the conclusion of discovery, the parties
10 shall have until August 7, 2006, to file dispositive motions. The Department of Corrections
11 defendants' motion to dismiss, (Dkt. No. 56), shall remain noted for June 16, 2006. A
12 **showing of good cause shall be required to modify this schedule.**
13

14 (3) The Court DENIES plaintiff's request for attorneys fees. Dkt. No. 57, n.3.

15 (4) The Clerk is directed to send copies of this order to the parties and to the
16 Honorable James L. Robart.

17 DATED this 6th day of June, 2006.
18

19 
20 JAMES P. DONOHUE
21 United States Magistrate Judge
22
23

24
25 ¹The Court notes that the Department of Corrections defendants have not joined in this
26 motion and have, instead, filed a motion to dismiss that is currently noted for June 16, 2006. Dkt.
No. 56.